

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,
v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG
(Lead Case)

JURY TRIAL DEMANDED

VIRTAMOVE, CORP.,

Plaintiff,
v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 2:24-CV-00064-JRG
(Member Case)

JURY TRIAL DEMANDED

**DECLARATION OF PETER TONG IN SUPPORT OF PLAINTIFF
VIRTAMOVE, CORP.'S OPPOSITION TO HPE'S CORRECTED MOTION TO
PRECLUDE OR COMPEL PRODUCTION OF DOCUMENTS AND VIRTAMOVE
WITNESSES FOR DEPOSITION**

I, Qi (Peter) Tong declare and state as follows:

1. I am a member of the State Bar of TEXAS and an attorney at the firm of Russ August & Kabat, counsel of record for Plaintiff VirtaMove, Corp. in the above-captioned action. I submit this declaration in support of Plaintiff's Opposition to HPE's Corrected Motion to Preclude or Compel Production (Dkt. 179). I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of one page of a Subpoena for Paul O'Leary that HPE sent to Russ, August & Kabat.

3. Attached as Exhibit B is a true and correct copy of one page of a Subpoena for Mark Woodward that HPE sent to Russ, August & Kabat.

4. Attached as Exhibit C is a true and correct copy of one page of a Subpoena for Greg O'Connor that HPE sent to Russ, August & Kabat on March 20, 2025.

5. Attached as Exhibit D is a true and correct copy of an email received by Reza Mirzaie.

6. Attached as Exhibit E is a true and correct copy of one page of an email chain involving counsel for VirtaMove, HPE, and IBM.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on April 30, 2025 in Dallas, Texas.

/s/ Qi (Peter) Tong
Qi (Peter) Tong